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REMARKS

Claims 13 and 16-20 remain pending in the present Application. Of these pending claims, Claims 13, 16, and 19 have been amended. Support for the amendment can be found at least in original Claim 1 and in paragraph [0020].

It is believed that the amendments made herein may be properly entered at this time, i.e., after final rejection, because the amendments do not require a new search or raise new issues and they reduce issues for appeal.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

A. Claims 13 and 16-18 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Caiati in view of any one of Burnell-Jones or Rogers. Applicants respectfully traverse.

Caiati is generally directed to installation of sunroofs and T-Tops. As discussed in Applicants previous response, there is no disclosure or suggestion as to methods for providing light into a vehicle interior apart from the transmission of natural daylight through the sunroof or a vehicle sunroof assembly having a panel comprising a phosphorescent material and a light-transparent component phosphorescent. Moreover, as acknowledged by the Examiner, the decorative coatings are described as paints and films. As such, the materials used for the decorative film are not dispersed within a matrix that forms the sunroof panel.

Burnell-Jones is generally directed to luminescent gel coats and moldable resins. The particular materials taught are described as polymers. Still further, the luminescent polymers taught and suggested for automotive related applications are based on their thermoluminescence behavior. As such, these polymers are activated by a heat source.

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Rogers is generally directed to phosphorescent opal glasses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants respectfully assert that a *prima facie* case of obviousness has not been established against Claims 13 and 16-18. A *prima facie* case of obviousness has not been established against independent Claim 13 because none of the references teach or suggest a sunroof assembly comprising, *inter alia*, an inorganic phosphorescent material dispersed within a matrix of a light-transparent component.

In the primary reference, Caiati, the decorative films are applied onto a surface of the light transmitting material. There is no disclosure or suggestion of a sunroof panel comprising an inorganic phosphorescent material and a light-transparent component, wherein the inorganic phosphorescent material is dispersed within a matrix of the light-transparent component as claimed by Applicants.

Burnell-Jones fails to compensate for the deficiencies of Caiati because this reference teaches and suggests the use of polymers. Polymeric phosphorescent materials are markedly different in form and function than inorganic phosphorescent materials as claimed by Applicants. Moreover, any suggestions by Burnell-Jones as it relates to automotive applications were based on the thermoluminescent properties of the polymeric phosphorescent materials. Heat activation is markedly different from light activation.

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With regard to Rogers, there is no disclosure or suggestion to any automotive applications, nevermind a sunroof assembly as claimed by Applicants. To establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. The case law is clear that the level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.* 174 F3d 1308, 50n USPQ2d 1161 (Fed. Cir. 1999). In *Al-site*, the combination of references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a prima facie case of obvious was held to be improper. For similar reasons, the Examiner's comments with respect to Applicants' previous arguments are simply wrong and inappropriate. Applicants claim a vehicle sunroof assembly. The Examiner is obligated to show some suggestion or motivation to modify the reference or combine reference teachings. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Likewise, the fact that the claimed invention is within the capabilities of one of ordinary skill is of no consequence absent some objective reason. Since Rogers fails to disclose any automotive application, nevermind the sunroof assembly as claimed, there is no motivation to combine this reference with Caiati.

Even assuming, *in arguendo*, there is motivation to combine, the cited combination of references would still fail to teach each and every element as claimed by Applicants. Since Caiati teaches and suggests topically applying its decorative films onto a surface of a sunroof panel, the combination of references would still result in applying a film onto the sunroof panel, albeit the film would now consist of a phosphorescent opal glass material. At any rate, the cited combination of references would fail to teach or suggest a vehicle sunroof assembly comprising a vehicle roof portion having at least one opening, said opening extending between an interior portion and an exterior portion of the vehicle roof portion; and a sunroof panel adapted to fit the at least one opening, said panel comprising an inorganic phosphorescent material and a light-transparent component, wherein the inorganic phosphorescent material is dispersed within a matrix of the light-transparent component.

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In view of the reasoning provided by the Examiner for citing the particular combination of references cited in the Office Action, it appears that the rejections are improperly based on hindsight. Accordingly, the rejection is requested to be withdrawn.

B. Claim 19 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Caiati in view of any one of Wendt, 3M, Plaid so Beautiful, or Burnell-Jones. Applicants respectfully traverse.

Claim 19 is directed to a process for providing light into an interior of a vehicle. The process comprises exposing a panel disposed in an opening of the vehicle to an external light source, wherein the panel comprises an inorganic phosphorescent material and a light-transparent component; absorbing radiant energy from the external light source to excite electrons in the phosphorescent material; and emitting visible light from the phosphorescent material and into the interior portion of the vehicle upon exposure to the external light source or upon discontinuation of the external light source.

None of the cited references, individually or in combination, teach a process for providing light into an interior of a vehicle. Caiati teaches and suggests a sunroof panel that may further include a decorative film. Wendt, 3M, Burnell Jones, and Plaid so Beautiful are also directed to topically applied coatings that are applied onto a surface of a substrate.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

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If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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